

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Nationstar Mortgage, LLC,

Plaintiff,

vs.

Marcus L. Hall, Rosa C. Hall, and Deer Lake
Homeowners Association, Inc.,

Defendants.

C/A No. 3:16-1469-JFA

ORDER

This matter is before the Court on a United States Magistrate Judge's Report and Recommendation ("Report"), recommending that this Court *sua sponte* remand this case for lack of subject matter jurisdiction. ECF No. 10.

Plaintiff Nationstar Mortgage, LLC filed a state foreclosure action against Marcus L. Hall, Rosa C. Hall, (collectively the "Halls"), and Deer Lake Homeowners Association, Inc. in the Richland County Court of Common Pleas. ECF No. 1-1 at 21–26. On May 6, 2016, the Halls filed a notice of removal for this action. ECF No. 1. In addition, Defendant Rosa Hall moved for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915, ECF No. 3, which was granted on May 31, 2016, by Magistrate Judge Paige J. Gossett, ECF No. 9. No other parties have responded or appeared in this Court with regard to this matter. ECF No. 10 at 1.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and opines that this Court should *sua sponte* remand this case to the state court for lack of subject matter jurisdiction. ECF No. 10. The Report sets forth in detail the relevant facts and standards of law

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

on this matter, and this Court incorporates those facts and standards without a recitation. The parties were advised of their right to object to the Report, which was entered on the docket on May 31, 2016. ECF Nos. 10, 11. The Magistrate Judge gave the parties until June 17, 2016, to file objections. *Id.* However, no objections were filed to the Report. Thus, this matter is ripe for the Court's review.

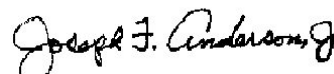
The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1). In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts and incorporates the Report and Recommendation, ECF No. 10. Therefore, this case is hereby remanded to the state court for lack of subject matter jurisdiction in accordance with 28 U.S.C. § 1447(c).

The Clerk is directed to mail a certified copy of this Order of remand to the clerk of the state court.

IT IS SO ORDERED.

November 9, 2016
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge